

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

**THE MUECKE COMPANY, INC., *et al.*,
on behalf of themselves and all others
similarly situated,**

Plaintiffs,

vs.

CVS CAREMARK CORPORATION, *et al.*,

Defendants.

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**Case No. 6:10-cv-78
JURY**

NOTICE OF APPEAL

Notice is hereby given that, pursuant to Federal Rules of Appellate Procedure 3 and 4, Plaintiffs in the above-captioned case, The Muecke Company Inc.; Bruce Rogers d/b/a Rogers Pharmacy; Brookshire Bros. Pharmacy of Kirbyville Texas; De La Rosa Pharmacy Inc.; Hometown Pharmacy LC; and Robert Kinsey Investments Inc., d/b/a Kinsey's Pharmacy (collectively "Appellants"), hereby appeal to the United States Court of Appeals for the Fifth Circuit from the final judgment entered in this action on the 30th day of September, 2014 (Dkt. No. 300) and from the district court's order of September 30, 2014 (Dkt. No. 299), adopting Magistrate Judge Johnson's Memorandum and Recommendation (Dkt. No. 287) to grant Defendants' Motion to Reconsider this Court's Earlier Ruling on Defendants' Ability to Compel Arbitration Based on Equitable Estoppel (Dkt. No. 242).

Dated this 29th day of October, 2014.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of October, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, and service on all counsel of record, as follows, will be automatically accomplished through the Notice of Electronic Filing:

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